

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Revision of the Commission's)
Rules to Ensure Compatibility) CC Docket No. 94-102
with Enhanced 911 Emergency)
Calling Systems)
)
Carolina PCS I, Limited Partnership) DA-01-1042
Request for Waiver)

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MAY 23 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**OPPOSITION OF APCO
TO REQUEST FOR WAIVER OF
CAROLINA PCS I, LIMITED PARTNERSHIP**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following in comments in response to the Commission's *Public Notice*, DA 01-1042, released April 23, 2001, seeking public comments regarding a "Petition to Waive Section 20.18(e) of the Commission's Rules" filed by Carolina PCS I, Limited Partnership ("Carolina") on February 6, 2001, in the above-captioned proceeding.

APCO is the nation's oldest and largest public safety communications organization. Most of APCO's over 15,000 individual members are state or local government employees who manage and operate police, fire, emergency medical, forestry conservation, highway maintenance, disaster relief, and other communications systems that protect the safety of life, health and property. These systems include radio communication operations, telecommunications and information networks, and Public Safety Answering Points (PSAPs). APCO has participated in aspects of this proceeding.

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List A B C D E

Carolina states that its wireless network utilizes the same Global System for Mobile Communication (“GSM”) air interface as VoiceStream Wireless (“VoiceStream”). On September 8, 2000, the Commission granted VoiceStream a conditional waiver of the E9-1-1 rules,¹ and thus Carolina now seeks identical relief. However, despite the Commission’s explicit waiver guidelines, as set forth in the *Fourth MO&O*, Carolina fails to provide any independent information to support its waiver request. Carolina does not describe *any* of its *own* “concrete steps necessary to come as close as possible to full compliance (*e.g.*, selecting ALI technologies or vendors, timely placing orders for necessary equipment, performing other necessary preparatory work).”² Nor does Carolina document “efforts aimed at compliance.”³ Indeed, it appears that Carolina has done nothing to move toward compliance, other than to “piggyback” on the VoiceStream waiver.

The Commission granted the VoiceStream waiver (over APCO’s objections) not merely because of its use of the GSM air interface, but also based on VoiceStream’s assertions regarding its testing of various solutions. Even assuming the validity and sufficiency of VoiceStream’s efforts (which APCO has disputed), Carolina must demonstrate its own efforts, which could lead to a different conclusion. Location technologies are advancing at a rapid pace, and several vendors have indicated developments that may provide new alternatives for GSM providers.⁴

¹ *Fourth Memorandum Opinion and Order in CC Docket 94-102*, FCC 00-326, released September 8, 2000, at ¶¶ 51-68 (hereinafter “*Fourth MO&O*”).

² *Fourth MO&O* at ¶44.

³ *Id.*

⁴ For example, counsel for the Grayson Wireless Division of Allen Telecom submitted an *ex parte* letter on May 7, 2001, stating that compatibility of its technology with GSM “is in development and is scheduled for commercial availability during the second quarter of 2001” and that it “will meet or exceed Commission E911 Phase II requirements.”

Carolina has an obligation to conduct its own investigation, and in particular to examine alternatives that may have matured since VoiceStream's prior analysis. The Commission did not grant a waiver for all GSM carriers, it granted a waiver only for VoiceStream.

Finally, APCO opposes the Carolina request to the extent that it relies on the Commission's grant of the VoiceStream waiver. APCO opposed that waiver, and its Petition for Reconsideration of the VoiceStream waiver is still pending before the Commission. APCO therefore incorporates herein by reference its Petition and related submissions, and urges the Commission to dismiss the Carolina waiver for the reasons stated therein.⁵

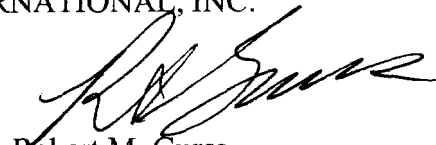
CONCLUSION

For the reasons discussed above, APCO opposes the Carolina PCS I, Limited Partnership request for waiver of the Commission's wireless E9-1-1 rules.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

By:



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May 23, 2001

⁵ Petition for Reconsideration of APCO filed September 20, 2000; Reply to Opposition of VoiceStream, filed October 17, 2000; and Supplement to Reply Comments, filed November 20, 2000.

CERTIFICATE OF SERVICE

I, Claudia Darbie, hereby certify that a copy of the foregoing "Opposition of APCO" was served this 23rd day of May 2001, by first class mail, postage prepaid, to the following individual at the address listed below:

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Claudia Darbie